

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,) 2:10-cr-00178-PMP-VCF
Plaintiff,) 2:14-cv-01325-PMP
vs.)
BILLY CEPERO,)
Defendant.) **ORDER**

Before the Court for consideration is Defendant Billy Cepero's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. #141) filed August 13, 2014. Defendant Cepero's motion is filed 2 ½ years after the Court entered judgment in this case on January 30, 2012, and asserts twenty (20) grounds in support of his motion to vacate.

In its Response (Doc. #147) filed September 15, 2014, the Government contends Defendant Cepero's motion is untimely, and that after giving Cepero an opportunity to respond, this Court should dismiss the motion unless Cepero can meet the stringent requirements for equitable tolling. The Court agrees.

IT IS THEREFORE ORDERED that Defendant Cepero shall have to and including **November 17, 2014** to file a Reply Memorandum to the Government's Response (Doc. #147), in which Defendant Cepero shall demonstrate that he is entitled to equitable tolling of the deadline of February 12, 2013, within which to file his motion to vacate pursuant to 28 U.S.C. § 2255.

IT IS FURTHER ORDERED that Defendant Cepero's Motion for Court Records (Doc. #145) is **DENIED**.

DATED: October 1, 2014.

Chip M. Orr

PHILIP M. PRO
United States District Judge